

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARIA TINOCO and  
JESUS TINOCO,

Plaintiffs,

vs.

Civ. No. 13-918 KG/LAM

DEPUTY JONATHAN BARRERAS,  
DEPUTY JOHN DUFFY, DEPUTY DURAN,  
DEPUTY MADISON, in their Individual  
and Official Capacities, DONA ANA COUNTY  
SHERIFF'S DEPARTMENT, BOARD OF  
COUNTY COMMISSIONERS OF DONA ANA  
COUNTY,

Defendants.

PARTIAL ORDER OF DISMISSAL

Having granted in part Defendants' Motion to Dismiss or Alternatively Motion for Partial Summary Judgment (Docs. 9 and 15) by a Memorandum Opinion and Order entered contemporaneously with this Partial Order of Dismissal,

IT IS ORDERED that

1. Plaintiffs' claims against Defendant Deputy Duran are dismissed without prejudice;
2. Plaintiffs' claims against Defendant Deputy Madison (correctly spelt as Madson) are dismissed without prejudice;
3. Count I of the First Amended Complaint for Violations of Civil Rights, Personal Injury, Supervisory and Municipal Liability and Punitive Damages (Doc. 27) (First Amended Complaint) is dismissed without prejudice;
4. the Fourteenth Amendment claim in Count II of the First Amended Complaint is dismissed with prejudice;

5. the Fourteenth Amendment claim in Count III of the First Amended Complaint is dismissed with prejudice; and

6. Count IV of the First Amended Complaint is dismissed without prejudice, thereby terminating Defendants Dona Ana County Sheriff's Department and Board of County Commissioners of Dona Ana County as Defendants in this case.



Kenneth H. Gonzalez  
UNITED STATES DISTRICT JUDGE